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SUBJECT: TRAFFICKING IN PERSONS - NEW ZEALAND 3/2005

Sensitive but Unclassified

11. (SBU) Following are responses to the Trafficking in Persons report for New Zealand, keyed to reftel:

Begin responses:

118. Overview:

New Zealand fully complies with international standards to eliminate trafficking. New Zealand problems with internationally trafficked persons are quite small by international standards, with less than 50 cases coming to public attention in the past year. New Zealand has signed the relevant international instruments dealing with trafficking and has adopted tough domestic legislation to criminalize trafficking with a maximum penalty of 20 years in prison and substantial fines. The government has effective control over borders and points of entry; corruption of officials is not an issue in New Zealand. The country main urban areas have been the primary destination for trafficked individuals. The National Human Rights Commission works effectively with government and non-government organizations to ensure that trafficked individuals are treated as victims rather than criminals. New Zealand has begun developing a National Plan of Action to fight trafficking, listing the Department of Labor as the lead agency and outlining areas for development in prevention, protection, prosecution, and reintegration of victims.

1A. New Zealand has been a country of destination for internationally trafficked women in the commercial sex industry. Most knowledgeable sources estimate that the extent of the problem is minimal on the scale of perhaps a few dozen individuals per year. Women tend to form the bulk of the trafficked individuals.

1B. In the past, source countries for trafficked individuals have included Thailand, Malaysia, and other Asian countries. The primary destination in New Zealand is usually Auckland, New Zealand largest city. Child prostitution is a problem throughout the country, but major urban centers are best able to provide support resources to victims.

1C. New Zealand's primary source of trafficking remains child prostitutes, who have been the subject of increased focus by regional and national governmental and non-governmental organizations over the past year.

Despite the January 2001 decision ending visa free entry for Thai nationals, there have been indications that Thai commercial sex workers have been coming to New Zealand to engage in prostitution. As prostitution is legal in New Zealand, however, these activities would be prosecuted as visa violations if uncovered.

1D. There is no plan to document the extent of trafficking; instead the focus is on ensuring that programs exist to deal with traffickers and victims as they come to light. The Government's strategy has been outlined in New Zealand recent National Plan of Action (see 18g).

1E. Limited evidence of internationally trafficked persons into New Zealand suggests that most understand that they are going to work in the commercial sex industry. In the past, trafficked individuals also worked in the construction and garment industries. From time to time, bonds are required for commercial sex workers to pay for entry into New Zealand and pimps/facilitators have been known to withhold passports pending payment of the bonds.

1F. N/A

1G. Yes. In February 2002 the government introduced legislation to criminalize the trafficking of persons into New Zealand. The legislation imposes penalties of up to 20 years in prison and USD 200,000 in fines. The Transnational Organized Crime Bill was adopted on June 17, 2002 as an amendment to the Crimes, Extradition, Immigration, Passports and Mutual Assistance in Criminal Matters Amendment Acts. The Government of New Zealand initiated a National Plan of Action (NPA) in February 2005, which names the Department of Labour (which includes the Immigration Service) as the lead agency in coordinating anti-trafficking strategies. While the terms of reference are still being discussed, the short-term strategy involves the following: Mapping trafficking assistance process; Consensus on NPA elements; establishing procedures for victim identification; providing

access of victims to specialized shelters; Awareness-raising on TIP and training programs on TIP.

H. No. New Zealand receives top-level international ratings for lack of corruption among its public officials. There is no evidence to suggest that government officials have taken bribes from traffickers.

I. Resources appear adequate given the size of the problem. The government funds programs through its ministries as well as providing funding to NGOs that deal with trafficking issues.

J. New Zealand is currently reviewing its anti-trafficking efforts, and drafting a National Plan of Action which will address the prevention of trafficking in persons, protection of victims, prosecution of traffickers and the reintegration of victims (see 18g.)

K. The 2003 Prostitution Reform Bill legalized prostitution, and solicitation was no longer a crime. The legislation set a minimum age of 18 to work in the industry, gives prostitutes the same workplace protections as other industries, and provides for a licensing regime for brothels. In addition, the law removes a client's ability to defend himself from prosecution based on his belief that an underage sex worker was 18 years or older, and extends prosecution to any person receiving financial gain from an act involving an underage sex worker. The law prohibits sex tourism, and citizens who commit child sex offenses overseas can be prosecuted in New Zealand courts. There were no reports of abuse or the involuntary detention of women involved in prostitution during the year; however, there were several credible reports that women smuggled into the country were forced into prostitution to repay substantial debts to traffickers. There were also reports that some foreign commercial sex workers had their passports withheld by employers until bonds were repaid. There were also allegations that children engaged in prostitution did so to repay debts to local gangs.

A Prostitution Law Review Committee was created in conjunction with the Bill and is tasked with reviewing the operation of the Act and reporting on its findings within 5 years. The Committee is expected to release a report in March that reports on the number of sex workers in New Zealand, the first report of its type. Anecdotal evidence indicates that street prostitution has increased since the Bill was passed. Police have noted that it is difficult to prosecute under-age commercial sex workers as they are prevented from requiring identification. As many child prostitutes do not see themselves as victims, and do not cooperate with the police, the police are finding it difficult to indict violators. A number of test cases are working through the courts, which will indicate the effectiveness of enforcement efforts on brothel owners.

L. There is no evidence, anecdotal or otherwise, to indicate that the buying or selling of child brides occurs in New Zealand. Boys and girls in New Zealand may marry at age 16, provided they have written parental consent. They may marry without consent at age 20.

19. Prevention:

A. Yes, New Zealand is at the forefront of international efforts to combat trafficking in persons. New Zealand acknowledges that trafficking is a problem, although they have disagreed with the USG definition of children engaged in the commercial sex industry, often defining this as child abuse or neglect. The Prostitution Reform Bill was passed in an effort to protect commercial sex workers and in particular to block the commercial sexual exploitation of children. New Zealand's trafficking legislation defines minors as those under 16 years of age. Proposed changes to New Zealand's Crimes Act would criminalize the trafficking in persons for youths aged 16-18, thereby extending the definition of minors to those under 18 years of age and fulfilling NZ's obligations under the UN Convention on the Rights of the Child. The changes would also criminalize child sex tourism.

B. The Department of Labour, the Human Rights Commission, the Ministry of Foreign Affairs and Trade, the Ministry of Justice, the Ministry of Health, the Ministry of Child, Youth and Family and the New Zealand Police.

C. A highly successful Thai language anti-trafficking campaign was launched in 1999 to target Thai women in the commercial sex industry. The government extends substantial resources to combat trafficking in persons.

NGOs including the New Zealand Prostitute's Collective (NZPC), the Maxim Institute, the Women's Refuge, Shakti Migrant Services Trust and the Salvation Army offer programs to commercial sex workers on the street, offering "life options." While the major NZ organization dealing with trafficking (End Child Prostitution and Trafficking, or ECPAT) primarily targets demand, all NGOs focus on offering assistance to victims. The NZPC has helped underage prostitutes to find alternate employment or assisted them in returning to school.

D. New Zealand supports international efforts to combat trafficking. A number of these campaigns are now provided in a range of languages to make new immigrants and refugees aware of their rights while living in New Zealand, including employment rights and human rights.

E. Yes.

F. There are excellent cooperative relations between the government, NGOs and elements of civil society on the trafficking issue. The GNZ funds many NGOs and civil society institutions combating this problem.

1G. Yes.

1H. Yes, while in the past the National Human Rights Commission coordinated responses to these problems, the Department of Labour has been named the primary coordinating agency for anti-trafficking efforts.

1I. The Government actively participates in multilateral and efforts to prevent, monitor and control trafficking.

1J. Yes. While the Department of Labour is the lead coordinating agency, the Department of Internal Affairs, Ministry of foreign Affairs and Trade, the Department of Child, Youth and Family Services, the office of the Commissioner for Children, the New Zealand Law Society, the Ministry of Pacific Island Affairs, End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes, Ministry of Youth Affairs, Ministry of Justice, Ministry of Health, Ministry of Social Development, Human Rights Commission, New Zealand Customs Service, Department of Courts, and the Ministry of Education are all involved in the development and implementation of NZ's anti-trafficking National Plan of Action. The plan is still in the initial stages, and consultations are ongoing. They will include input from NGOs.

1K. The agencies and ministries mentioned in 19k support a wide range of programs that, while not always specifically addressing trafficking, are working to explain worker rights and keep minors from entering the commercial sex industry.

120. Highlight here change in Prostitution Reform Law.

1A. New Zealand passed tough legislation criminalizing smuggling and trafficking in human beings in 2002 (See 17A).

1B. Twenty years imprisonment and USD 500,000 fine.

1C. Sexual violation is punishable by a term of imprisonment not to exceed 20 years.

1D. Yes. A NZ man was charged with assisting a 16-year-old girl to provide commercial sexual services and with pimping - receiving money from those services. His was the first case tried following the passage of the Prostitution Reform Bill, which provides for harsher penalties, including a maximum jail sentence of seven years.

There is an on-going court case which will decide whether or not a brothel owner is liable for hiring an underage prostitute if they were shown false identification.

1E. There is no clear evidence on this subject, however, police speculate that small-scale Asian organized crime groups participate in this illegal trade. The police have a dedicated unit for international organized crime, which may overlap with anti-trafficking efforts. There are no reports of government officials having been involved in this trade.

1F. Yes.

1G. The government has provided training to other government officials particularly non-governmental organizations in Thailand on methods to protect child witnesses in criminal proceedings.

1H. Yes. The government participates in all international fora on anti-trafficking, and has in the past worked closely with the Government of Thailand to assist victims of trafficking.

1I. Yes. The government allows extra-territoriality to apply in child sexual exploitation cases committed by New Zealanders overseas.

1J. No.

1K. N/A

1L. While there is not a large-scale problem, NZ has cooperated in the prosecution of NZ citizens that have engaged in child sex tourism overseas.

1M. ILO Convention 182 was ratified on June 14, 2001. ILO convention 105 was ratified on June 14, 1968. The Optional Protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography was signed on September 7, 2000. The protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the UN convention against transnational organized crime was ratified on July 19, 2002.

121. A. The government has provided short-term sanctuary, witness protection, access to medical services and repatriation. Sexual abuse victims are eligible for support from the Accident Compensation Corporation. This includes medical assistance at state expense.

1B. Yes. The government supports a wide range of NGOs including the New Zealand Prostitutes Collective that provide services to commercial sex workers some of whom may have been trafficked.

1C. Yes. Post has no knowledge of trafficked victims who have been jailed, fined or deported. Illegal immigrants have been jailed, fined and deported.

1D. Yes. In smuggling cases, the government encourages victims to support investigations and prosecutions of smugglers.

1E. Yes.

1F. Yes. The government provides special training in dealing with all aspects of children and the law.

1G. In the case of a Thai woman forced into bondage and prostitution, they worked with a Thai NGO to help any victims of trafficking assisted in NZ and returned to Thailand.

1H. New Zealand citizens are entitled to a wide range of social, mental and physical services, regardless of circumstance.

1I. ECPAT New Zealand, Ending Child Prostitution and Trafficking is the lead NGO in this field and works closely with the government.

End responses.

13. Embassy POC for the trafficking in persons issues is Political Officer Dorothy Rogers, Telephone (644) 462-6043 Fax (644) 472-3537.

Burnett